

confidential under section 552(b)(4) of title 5, United States Code.

#### SEC. 8. INTELLECTUAL PROPERTY.

Members of the consortium shall have royalty-free nonexclusive rights to use intellectual property derived from consortium research conducted under this Act.

#### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

(1) \$30,000,000 for fiscal year 2002; and  
(2) \$50,000,000 for each of fiscal years 2003 through 2011.

(b) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

By Mrs. FEINSTEIN (for herself and Mr. HAGEL):

S. 1167. A bill to amend the Immigration and Nationality Act to permit the substitution of an alternative close family sponsor in the case of the death of the person petitioning for an alien's admission to the United States; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce on behalf of myself and Mr. HAGEL, the Family Sponsor Immigration Act of 2001. This legislation would address the situation of those whose U.S. sponsor dies while they have the chance to adjust status or receive an immigrant visa.

Under current law, a family member who petitions for a relative to receive an immigrant visa must sign a legally binding affidavit of support promising to provide for the support of the immigrant. This is the last step before a green card is issued. If the family sponsor dies while the green card application is pending, the applicant is forced to find a new sponsor and restart the application process, usually a 7- to 8-year process, or face deportation.

The legislation I have introduced today would correct this anomaly in the law by permitting another family member to stand in for the deceased sponsor and sign the affidavit. Without this legislation, another relative who qualifies as a family sponsor would have to file a new immigrant visa petition on behalf of the relative and the relative would have to go to the end of the line if the visa category is numerically limited. Thus, the beneficiary would lose his priority date for a visa based on the filing of the first petition, and in some cases, face deportation.

With the passage of this legislation, even though there may be a different sponsor, the beneficiary would not lose his or her priority date to be admitted as a permanent resident of the United States. Nor will the beneficiary be subject to deportation even though they meet all the requirements for an immigrant visa.

A classic example of this situation was presented to my office just recently. Earlier this year I introduced a private bill on behalf of Zhenfu Ge, a 73-year-old Chinese grandmother whose daughter died before the Immigration and Naturalization Service, INS, was able to complete the final stage of application process: her interview. As a result, her immigration application is

no longer valid and she is now subject to deportation. The private bill I introduced would allow her to adjust her status, given that she has met all the requirements for a visa.

In previous years, I have introduced other private bills which eventually became law. One bill was on behalf of Suchada Kwong, whose husband was killed in a car accident just weeks before her final interview with the INS. In 1997, I introduced a private bill on behalf of Jasmin Salehi, a Korean immigrant who became ineligible for permanent residency after her husband was murdered at a Denny's in Reseda, California, where he worked as a manager.

In all of these cases, a family's grief was compounded by the prospect of the deportation of a family member, who had met all the requirements for a green card. This legislation is an efficient way to alleviate the need for private legislation under these circumstances by making the law more just for those who have chosen to become immigrants in our country through the legal process.

We introduce the "Family Immigration Act of 2001," in the hopes that it will go further to alleviate some of hardships families face when confronted by the untimely death of a sponsor. Similar legislation has gained bipartisan support in the House of Representatives. I look forward to working with my colleagues to move it quickly through the Senate.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1167

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Sponsor Immigration Act of 2001".

#### SEC. 2. SUBSTITUTION OF ALTERNATIVE SPONSOR IF ORIGINAL SPONSOR HAS DIED.

(a) PERMITTING SUBSTITUTION OF ALTERNATIVE CLOSE FAMILY SPONSOR IN CASE OF DEATH OF PETITIONER.—

(1) RECOGNITION OF ALTERNATIVE SPONSOR.—Section 213A(f)(5) of the Immigration and Nationality Act (8 U.S.C. 1183a(f)(5)) is amended to read as follows:

"(5) NON-PETITIONING CASES.—Such term also includes an individual who does not meet the requirement of paragraph (1)(D) but who—

"(A) accepts joint and several liability with a petitioning sponsor under paragraph (2) or relative of an employment-based immigrant under paragraph (4) and who demonstrates (as provided under paragraph (6)) the means to maintain an annual income equal to at least 125 percent of the Federal poverty line; or

"(B) is a spouse, parent, mother-in-law, father-in-law, sibling, child (if at least 18 years of age), son, daughter, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild of a sponsored alien or a legal guardian of a sponsored alien, meets the requirements of paragraph (1) (other

than subparagraph (D)), and executes an affidavit of support with respect to such alien in a case in which—

"(i) the individual petitioning under section 204 for the classification of such alien died after the approval of such petition; and  
"(ii) the Attorney General has determined for humanitarian reasons that revocation of such petition under section 205 would be inappropriate."

(2) CONFORMING AMENDMENT PERMITTING SUBSTITUTION.—Section 212(a)(4)(C)(ii) of such Act (8 U.S.C. 1182(a)(4)(C)(ii)) is amended by striking "(including any additional sponsor required under section 213A(f))" and inserting "(and any additional sponsor required under section 213A(f) or any alternative sponsor permitted under paragraph (5)(B) of such section)".

(3) ADDITIONAL CONFORMING AMENDMENTS.—Section 213A(f) of such Act (8 U.S.C. 1183a(f)) is amended, in each of paragraphs (2) and (4)(B)(ii), by striking "(5)." and inserting "(5)(A)."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to deaths occurring before, on, or after the date of the enactment of this Act, except that, in the case of a death occurring before such date, such amendments shall apply only if—

(1) the sponsored alien—  
(A) requests the Attorney General to reinstate the classification petition that was filed with respect to the alien by the deceased and approved under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) before such death; and

(B) demonstrates that he or she is able to satisfy the requirement of section 212(a)(4)(C)(ii) of such Act (8 U.S.C. 1182(a)(4)(C)(ii)) by reason of such amendments; and

(2) the Attorney General reinstates such petition after making the determination described in section 213A(f)(5)(B)(ii) of such Act (as amended by such subsection).

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 126—EXPRESSING THE SENSE OF THE SENATE REGARDING OBSERVANCE OF THE OLYMPIC TRUCE

Mr. DASCHLE (for himself, Mr. STEVENS, Mr. REID, Mr. CONRAD, Mr. HARKIN, Mr. DORGAN, and Mr. SARBANES) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 126

Whereas the Olympic Games are a unique opportunity for international cooperation and the promotion of international understanding;

Whereas the Olympic Games bring together embattled rivals in an arena of peaceful competition;

Whereas the Olympic Ideal is to serve peace, friendship, and international understanding;

Whereas participants in the ancient Olympic Games, as early as 776 B.C., observed an "Olympic Truce" whereby all warring parties ceased hostilities and laid down their weapons for the duration of the games and during the period of travel for athletes to and from the games;

Whereas war extracts a terrible price from the civilian populations that suffer under it, and truces during war allow for the provision of humanitarian assistance to those suffering populations;

Whereas truces may lead to a longer cessation of hostilities and, ultimately, a negotiated settlement and end to conflict;

Whereas the Olympics can and should be used as a tool for international public diplomacy, rapprochement, and building a better world;

Whereas terrorist organizations have used the Olympics not to promote international understanding but to perpetrate cowardly acts against innocent participants and spectators;

Whereas, since 1992, the International Olympic Committee has urged the international community to observe the Olympic Truce;

Whereas the International Olympic Committee and the Government of Greece established the International Olympic Truce Center in July 2000, and that Center seeks to uphold the observance of the Olympic Truce and calls for all hostilities to cease during the Olympic Games; and

Whereas the United Nations General Assembly, with the strong support of the United States, has three times called for member states to observe the Olympic Truce, most recently for the XXVII Olympiad in Sydney, Australia: Now, therefore, be it

*Resolved,*

#### SECTION 1. SENSE OF THE SENATE WITH RESPECT TO THE OLYMPIC TRUCE.

(a) COMMENDATION OF THE IOC AND THE GOVERNMENT OF GREECE.—The Senate commends the efforts of the International Olympic Committee and the Government of Greece to urge the international community to observe the Olympic Truce.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States Government should join efforts to use the Olympic Truce as an instrument to promote peace and reconciliation in areas of conflict; and

(2) the President should continue efforts to work with Greece—

(A) in its preparations for a successful XXVIII Olympiad in Greece in 2004; and

(B) to uphold and extend the spirit of the Olympic Truce during the XXVIII Olympiad.

#### SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the International Olympic Committee and the Government of Greece.

#### SENATE RESOLUTION 127—COMMENDING GARY SISCO FOR HIS SERVICE AS SECRETARY OF THE SENATE

Mr. LOTT (for himself, Mr. DASCHLE, Mr. BYRD, and Mr. THURMOND) submitted the following resolution; which was considered and agreed to:

S. RES. 127

Whereas, Gary Sisco faithfully served the Senate of the United States as the 29th Secretary of the Senate from the 104th to the 107th Congress, and discharged the difficult duties and responsibilities of that office with unfailing dedication and a high degree of competence and efficiency; and

Whereas, as an elected officer, Gary Sisco has upheld the high standards and traditions of the United States Senate and extended his assistance to all Members of the Senate; and

Whereas, through his exceptional service and professional integrity as an officer of the Senate of the United States, Gary Sisco has earned the respect, trust, and gratitude of his associates and the Members of the Senate: Now, therefore, be it

*Resolved,* That the Senate recognizes the notable contributions of Gary Sisco to the Senate and to his Country and expresses to him its deep appreciation for his faithful and outstanding service, and extends its very best wishes in his future endeavors.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Gary Sisco.

#### SENATE RESOLUTION 128—CALLING ON THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA TO IMMEDIATELY AND UNCONDITIONALLY RELEASE LI SHAOMIN AND ALL OTHER AMERICAN SCHOLARS OF CHINESE ANCESTRY BEING HELD IN DETENTION, CALLING ON THE PRESIDENT OF THE UNITED STATES TO CONTINUE WORKING ON BEHALF OF LI SHAOMIN AND THE OTHER DETAINED SCHOLARS FOR THEIR RELEASE, AND FOR OTHER PURPOSES

Mr. TORRICELLI (for himself, Mr. CORZINE, Mr. KERRY, Mr. ALLEN, Mr. WELLSTONE, Mr. THOMAS, and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 128

Whereas in recent months the Government of the People's Republic of China has arrested and detained several scholars and intellectuals of Chinese ancestry with ties to the United States, including at least 2 United States citizens and 3 permanent residents of the United States;

Whereas according to the Department of State's 2000 Country Reports on Human Rights Practices in China, and international human rights organizations, the Government of the People's Republic of China "has continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms";

Whereas the harassment, arbitrary arrest, detention, and filing of criminal charges against scholars and intellectuals has created a chilling effect on freedom of expression in the People's Republic of China, in contravention of internationally accepted norms, including the International Covenant on Civil and Political Rights, which the People's Republic of China signed in October 1998;

Whereas the Government of the People's Republic of China frequently uses torture and other human rights violations to produce coerced "confessions" from detainees;

Whereas the Department of State's 2000 Country Reports on Human Rights Practices in China has extensively documented that human rights abuses in the People's Republic of China "included instances of extrajudicial killings, the use of torture, forced confessions, arbitrary arrest and detention, the mistreatment of prisoners, lengthy incommunicado detention, and denial of due process", and also found that "[p]olice and prosecutorial officials often ignore the due process provisions of the law and of the Constitution . . . [f]or example, police and prosecutors can subject prisoners to severe psychological pressure to confess, and coerced confessions frequently are introduced as evidence";

Whereas the Government of the People's Republic of China has reported that some of the scholar detainees have "confessed" to their "crimes" of "spying", but it has yet to

produce any evidence of spying, and has refused to permit the detainees to confer with their families or lawyers;

Whereas the Department of State's 2000 Country Reports on Human Rights Practices in China also found that "police continue to hold individuals without granting access to family or a lawyer, and trials continue to be conducted in secret";

Whereas Dr. Li Shaomin is a United States citizen and scholar who has been detained by the Government of the People's Republic of China for more than 100 days, was formally charged with spying for Taiwan on May 15, 2001, and is expected to go on trial on July 14, 2001;

Whereas Dr. Li Shaomin has been deprived of his basic human rights by arbitrary arrest and detention, has not been allowed to contact his wife and child (both United States citizens), and was prevented from seeing his lawyer for an unacceptably long period of time;

Whereas Dr. Gao Zhan is a permanent resident of the United States and scholar who has been detained by the Government of the People's Republic of China for more than 114 days, and was formally charged with "accepting money from a foreign intelligence agency" on April 4, 2001;

Whereas Dr. Gao Zhan has been deprived of her basic human rights by arbitrary arrest and detention, has not been allowed to contact her husband and child (both United States citizens) or Department of State consular personnel in China, and was prevented from seeing her lawyer for an unacceptably long period of time;

Whereas Wu Jianmin is a United States citizen and author who has been detained by the Government of the People's Republic of China, has been deprived of his basic human rights by arbitrary arrest and detention, has been denied access to lawyers and family members, and has yet to be formally charged with any crimes;

Whereas Qin Guangguang is a permanent resident of the United States and researcher who has been detained by the Government of the People's Republic of China on suspicions of "leaking state secrets", has been deprived of his basic human rights by arbitrary arrest and detention, has been denied access to lawyers and family members, and has yet to be formally charged with any crimes;

Whereas Teng Chunyan is a permanent resident of the United States, Falun Gong practitioner, and researcher who has been sentenced to three years in prison for spying by the Government of the People's Republic of China, apparently for conducting research which documented violations of the human rights of Falun Gong adherents in China, has been deprived of her basic human rights by being placed on trial in secret, and her appeal to the Beijing Higher People's Court was denied on May 11, 2001;

Whereas Liu Yaping is a permanent resident of the United States and a businessman who was arrested and detained in Inner Mongolia in March 2001 by the Government of the People's Republic of China, has been deprived of his basic human rights by being denied any access to family members and by being denied regular access to lawyers, is reported to be suffering from severe health problems, was accused of tax evasion and other economic crimes, and has been denied his request for medical parole;

Whereas because there is documented evidence that the Government of the People's Republic of China uses torture to coerce confessions from suspects, because the Government has thus far presented no evidence to support its claims that the detained scholars and intellectuals are spies, and because spying is vaguely defined under Chinese law,